

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BENJAMIN PEREZ,

Plaintiff,

v.

MONSTER INC., et al.,

Defendants.

Case No. 15-cv-03885-EMC

**ORDER DENYING DEFENDANTS'
RENEWED MOTION FOR EXPEDITED
HEARING; AND DENYING
DEFENDANTS' MOTION FOR RELIEF
FROM NONDISPOSITIVE PRETRIAL
ORDER OF MAGISTRATE JUDGE**

Docket Nos. 96, 98

Currently pending before the Court are two motions: (1) Defendants' renewed motion for an expedited hearing on their pending motion to stay, *see* Docket No. 96 (motion), and (2) Defendants' motion for relief from a nondispositive pretrial order of Judge Ryu. *See* Docket No. 98 (motion). The Court addresses each of these motions below.

I. DEFENDANTS' RENEWED MOTION FOR AN EXPEDITED HEARING

Defendants have filed a motion to stay proceedings in the instant case based on a proposed settlement of a class action currently pending before an Illinois state court. *See* Docket No. 82 (motion). Previously, Defendants asked for their stay motion to be heard on shortened time, but the Court denied that motion and set the hearing on the stay motion for August 18, 2016. *See* Docket No. 86 (order). Defendants have now filed a motion asking for an immediate stay or, alternatively, for the hearing on the stay motion be advanced to August 4, 2016 – primarily because Judge Ryu had ordered Best Buy to produce documents by August 5, 2016. *See* Docket No. 95 (DMR order). That August 5 deadline has now been extended by an order from this Court to August 12, 2016. *See* Docket No. 101 (order).

Defendants' alternative request for relief is moot since the Court has now extended the

1 production deadline to August 12. However, as noted above, Defendants are also seeking an
2 immediate stay, and this request for relief is still ripe even with the extended August 12 production
3 deadline. Defendants' request for an immediate stay is denied. The Court will not halt the
4 discovery process in its entirety, especially as Defendants' motion to stay will be heard soon and
5 Defendants' prejudice argument is dependent on the Illinois state court approving the proposed
6 class action settlement. However, recognizing that there is some burden to Defendants, the Court
7 shall no longer require Defendants to produce documents on August 12. Instead, the Court orders
8 the parties to meet and confer and devise a *concrete* discovery plan by August 12 (*e.g.*, addressing
9 what categories of documents shall be produced and on what specific timeline, which may include
10 a phased or rolling production). Defendants shall be prepared to begin production on August 18,
11 although actual production will be dependent on how the Court resolves the stay motion on the
12 merits.

13 **II. DEFENDANTS' MOTION FOR RELIEF FROM NONDISPOSITIVE PRETRIAL**
14 **ORDER**

15 Defendants have moved for relief with respect to Judge Ryu's order of July 29, 2016. *See*
16 Docket No. 95 (DMR order). Best Buy had asked Judge Ryu to extend its production deadline
17 from July 31, 2016, to August 26, 2016. *See* Docket No. 93 (joint letter). Judge Ryu ordered Best
18 Buy to produce documents by August 5. *See* Docket No. 95 (DMR order).

19 Defendants' motion for relief is denied. The motion is moot in light of this order. In any
20 event, the Court also notes that Defendants have failed to show that Judge Ryu committed clear
21 error. *See* Fed. R. Civ. P. 72(a) (providing that a district court "must consider timely objections
22 and modify or set aside any part of the [magistrate judge] order that is clearly erroneous or is
23 contrary to law"); *see also* Civ. L.R. 72-2 (providing that a response to a motion for relief from a
24 nondispositive pretrial order of a magistrate judge need not be filed unless ordered by the district
25 court).

26 **III. CONCLUSION**


27 For the foregoing reasons, Defendants' motions are denied but Defendants are provided the
28 limited relief described above. The Court's ruling herein does not resolve in any way the motion

1 to stay set for hearing on August 18.

2 This order disposes of Docket Nos. 96 and 98.

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4 **IT IS SO ORDERED.**

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6 Dated: August 8, 2016

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8 EDWARD M. CHEN
9 United States District Judge
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